

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LELA WALTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 08-0536-CV-W-GAF
)	
CLARION MORTGAGE CAPITAL,)	
INC., et al.,)	
)	
Defendants.)	

ORDER DENYING MOTION TO DISMISS

Presently before the Court is Defendant Clarion Mortgage Capital, Inc.'s ("Clarion") Motion to Dismiss filed on July 2, 2009. (Doc. #81). Pursuant to this Court's Scheduling Order, the deadline for dispositive motions was January 15, 2009, and a jury trial is set to commence on July 27, 2009. (Doc. #26). Because Clarion's Motion is nearly six months overdue and the trial begins in just three weeks, it is

ORDERED that Clarion's Motion is DENIED.¹

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: July 7, 2009

¹After a cursory review of the merits of Clarion's arguments, the Court is not persuaded that the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. § 2601, *et seq.*, does not apply to the issues in this case. However, the Court will consider Clarion's arguments if it chooses to pursue them in an appropriate motion filed during the course of the trial.